

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, *et al.*

Defendants.

Adv. Pro. No. 09-01364 (SMB)

**ORDER ISSUING A REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE FOR SERVICE OF SUBPOENAS UPON
STEFAN RADEL, STEPHAN BLAHUT, AND MARIUS STEURER**

Plaintiff Irving H. Picard, as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, §§ 78aaa–III, and the substantively consolidated estate of Bernard L. Madoff, and defendant Alpha Prime Fund Limited, by and through their respective undersigned counsel, submit this Order and state as follows:

WHEREAS, on January 11, 2019, the Trustee filed a Motion (the “Trustee’s Motion”) for the Issuance of Letters of Request, seeking entry of an order issuing Requests for International Judicial Assistance to be transmitted, via the appropriate channels, to the applicable court in Austria to obtain the testimony of Messrs. Stefan Radel, Stephan Blahut, and Marius Steurer [ECF No. 507];

WHEREAS, on January 22, 2019, Alpha Prime filed a Motion (“Alpha Prime’s Motion”) for the issuance of letters of request for the examination of Mr. Stefan Radel, Mr. Stephan Blahut, and Mr. Marius Steurer [ECF No. 513];

WHEREAS, on February 14, 2019, the Court conducted a hearing and made certain rulings on the Trustee’s Motion and Alpha Prime’s Motion;

WHEREAS, because the Trustee’s proposed Letters of Request to Messrs. Radel, Blahut, and Steurer ask the appropriate Austrian legal authority to afford Alpha Prime the opportunity to ask follow-up questions, the relief sought in Alpha Prime’s Motion is duplicative of the relief sought in the Trustee’s Motion.

IT IS HEREBY ORDERED that:

1. The Trustee’s Motion is granted;
2. Alpha Prime’s Motion is denied;
3. The Requests for International Judicial Assistance, in the form submitted with this Order as Exhibits A, B, and C, shall be signed and sealed by the Court for transmission to the appropriate judicial authority in Austria so that valid service of process may be effectuated upon Messrs. Stefan Radel, Stephan Blahut, and Marius Steurer.

Respectfully submitted,

/s/ Oren J. Warshavsky

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*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the estate
of Bernard L. Madoff*

Respectfully submitted,

/s/ Todd E. Duffy

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*Attorneys for Defendant Alpha Prime
Fund Limited*

SO ORDERED this **19th** day of February 2019.

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE